

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

APPLE, INC., a California
Corporation,

HONORABLE JANET T. NEFF
U.S. District Judge

Plaintiff,

vs

Case No: 1:08-cv-597

NICHOLAS WOODHAMS, an
Individual,

Defendant.

/

**DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY
TRIAL AND AFFIRMATIVE DEFENSES**

NOW COMES the Defendant, NICHOLAS WOODHAMS, by and through his attorneys, LEVINE & LEVINE, and for his Answer to Plaintiff's Complaint and Demand for Jury Trial states as follows:

1. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

2. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs.

3. Admitted.

4. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his

right against self-incrimination under the Fifth Amendment to the United States Constitution.

5. Admitted.

6. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

7. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

8. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

9A. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

9B. Neither admitted nor denied for lack of information

sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

10. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

11. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

12. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

13. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

14. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

15. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

16. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

17. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

18. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the

United States Constitution.

19. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

20. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs.

21. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs.

22. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs.

23. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

24. No response required.

25. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his

right against self-incrimination under the Fifth Amendment to the United States Constitution.

26. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

27. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

28. No response required.

29. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

30. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

31. Neither admitted nor denied for lack of information

sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

32. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

33. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

34. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

35. No response required.

36. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the

United States Constitution.

37. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

38. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

39. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs. Further, Defendant asserts his right against self-incrimination under the Fifth Amendment to the United States Constitution.

40. Neither admitted nor denied for lack of information sufficient to form a belief as to the truth of the allegations and Plaintiff is left to its proofs.

WHEREFORE Defendant prays that this Honorable Court dismiss this action and award him costs.

LEVINE & LEVINE

Dated: July 8, 2008

By: /s/
RANDALL S. LEVINE (P30672)
Attorney for Defendant

AFFIRMATIVE DEFENSES

NOW COMES the Defendant, NICHOLAS WOODHAMS, and for his affirmative defenses states as follows:

1. Plaintiff has failed to state a claim upon which relief can be granted against the Defendant.
2. This action is barred by waiver.
3. This action is barred by the Statute of Limitations.
4. This action is barred by laches or unclean hands.
5. Without conceding Plaintiff suffered damages, Plaintiff failed to mitigate its damages.
6. Plaintiff has not reasonably relied on any representations Defendant or his agents may have made to them.
7. Plaintiff has an adequate remedy at law for any damages they allege to have incurred.
8. The Defendant reserves the right to amend or supplement his Affirmative Defenses during the course of this action.

LEVINE & LEVINE

Dated: July 8, 2008

By: /s/
RANDALL LEVINE (P30672)
Attorney for Defendant
Nicholas Woodhams
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